REMARKS

Claim Changes

Claims 1, 18 and 19 are amended to recite "receiving at least one trigger that indicates at least one of a condition of mission criticality or a level of mission criticality for a situation that is external to the middleware, external to data routed to and from the middleware, and external to data associated with a user of the middleware". These changes are based at least on the description on page 4, line 14 to page 5, line 13 and on page 9, line 13 to page 10, line 9 of the specification as filed. Thus, no new matter is added.

Claim 3 is amended to clarify and simplify the language by removing limitations and further amended to recite "a change in dispatch status; a change in incident status; and a change in situational status". These changes are based at least on the description on page 11, line 28 to page 12, line 1 of the specification as filed. Thus, no new matter is added.

Claim 11 is amended to be consistent with claim 1 as amended.

No amendment made is related to the statutory requirements of patentability unless expressly stated herein. No amendment is made for the purpose of narrowing the scope of any claim, unless Applicant had argued herein that such amendment is made to distinguish over a particular reference or combination of references. Any remarks made herein with respect to a given claim or amendment is intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments, or aspects of Applicant's invention.

Rejection of claims 1-20 under 35 U.S.C. § 102(b) as being anticipated by US 2002/0019879 (Jasen)

Applicant has amended the claims to clarify the invention. Applicant therefore respectfully requests reconsideration of the rejection of claims 1-20 under 35 U.S.C. § 102(b) as being anticipated by Jasen as herein amended.

Applicant has carefully reviewed the present application and the cited art and has amended independent claims 1, 18 and 19 to clarify the claimed invention. In particular, independent claims 1, 18 and 19 have been amended to recite "receiving at least one trigger that indicates at least one of a condition of mission criticality or a level of mission criticality for a situation that is external to the middleware, external to data routed to and from the middleware, and external to data associated with a user of the middleware".

      Applicant respectfully submits that Jasen does not anticipate, either expressly or inherently, each and every element as set forth in independent claims 1, 18 and 19. Specifically, independent claims 1, 18 and 19 recite "receiving at least one trigger that indicates at least one of a condition of mission criticality or a level of mission criticality for a situation that is external to the middleware, external to data routed to and from the middleware, and external to data associated with a user of the middleware", which is not anticipated either expressly or inherently, in Jasen. Moreover, this at least one trigger is recited in the independent claims as a basis for selecting a second behavior set from the group of behavior sets, wherein the middleware operates in accordance with the second behavior set.

      Jasen is directed to a method and network traffic management (NTM) system/provider for prioritizing network services, wherein an embodiment of the NTM system comprises a set of NTM client and NTM server functionality (*see* Abstract and paragraph [0018]). The NTM server and NTM client determine whether to provide normal network traffic or NTM prioritization for the traffic sent via the NTM client (*see* figures 1 and 2(a) through 2(c) and paragraphs [0018] and [0022] through [0025]. One or more situations can serve as a trigger for "prioritization eligibility determination", which include "the user accesses a URL or IP address of the NTM provider", "network traffic or information about that traffic [] routed through the NTM client" and "URL or IP address changes" of the NTM provider (*see* paragraphs [0018], [0022] and [0023]). However, Jasen fails to anticipate, either expressly or inherently, "receiving at least one trigger that indicates at least one of a condition of mission criticality or a level of mission criticality for a situation that is external to the middleware, external to data routed to and from the middleware, and external to data associated with a user of the middleware", as required by independent claims 1, 18 and 19.

      The Office Action at page 2 equivocates the limitation of "receiving at least one trigger" as recited in the independent claims with "applying a coupon" as disclosed in paragraph [0024] of Jasen. However, Applicant believes that the coupons described in Jasen do not "indicate[]at least one of a condition of mission criticality or a level of mission criticality for a situation that is external to the middleware, external to data routed to and from the middleware, and external to data associated with a user of the middleware", as required by independent claims 1, 18 and 19, and therefore are not a trigger are defined in those claims.

Paragraphs [0022] and [0023] in conjunction with FIG. 2(a) discloses how coupons are used in the system. More particularly, once the NTM client is installed, initialized and operating (including loading and evaluating of the coupons), the user's network traffic or information about that traffic is routed through the NTM client to determine if the traffic should be provided prioritization or otherwise handled as normal network traffic. The NTM client matches (or compares) data associated with the network traffic to coupon data in one or more coupons to determine whether a user's network traffic may receive NTM prioritization. This comparing of the data associated with the network traffic can be performed continuously as traffic is routed through the NTM client or can be performed only if the URL or IP addresses change. Accordingly, the "trigger" for a prioritization determination in the NTM client can be either ongoing based on traffic being routed through the NTM client or can be based solely on a URL or IP address change. Moreover, Jasen does not disclose that the coupon is any type of "trigger" for the NTM client but instead that the coupon contains coupon data that can be compared to data associated with the network traffic once one of the two above triggers is detected to initiate prioritization eligibility determination.

Paragraph [0024] discloses that once the NTM client determines that the network traffic should receive NTM prioritization, the NTM client sends a message to the NTM server (which message may comprise one or more coupons), to validate the NTM client and/or coupon(s) so that the NTM client can begin a prioritization session. Accordingly, in this case, it may at most be said that a coupon may serve as a trigger for the NTM server to validate the coupon(s) received from the NTM client and/or validate the NTM client. However, this is not the same as "receiving at least one trigger that indicates at least one of a condition of mission criticality or a level of mission criticality for a situation that is external to the middleware, external to data routed to and from the middleware, and external to data associated with a user of the middleware", which is required by independent claims 1, 18 and 19.

In view of the foregoing, Applicant respectfully submits that Jasen does not disclose "receiving at least one trigger that indicates at least one of a condition of mission criticality or a level of mission criticality for a situation that is external to the middleware, external to data routed to and from the middleware, and external to data associated with a user of the middleware". Applicant therefore submits that claims 1, 18 and 19 are not anticipated by Jasen,

and therefore the rejection of claims 1, 18 and 19 under 35 USC 102(b) should be withdrawn. Applicant requests that claims 1, 18 and 19 may now be passed to allowance.

Dependent claims 2-17 and 20 depend from, and include all the limitations of independent claim 1. Therefore, Applicant respectfully requests reconsideration of dependent claims 2-17 and 20 and requests the withdrawal of the rejection of these claims.

Conclusion

With respect to the other references of record, Applicant's believes that the claimed invention is patentably distinct and nonobvious over each reference taken alone or in combination. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact the Applicant's attorney or agent at the telephone number indicated below.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

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